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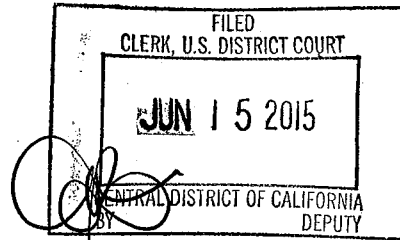
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LIVE NATION MERCHANDISE, INC.



NOTE CHANGES MADE BY THE COURT.

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10
11 LIVE NATION MERCHANDISE, INC.,)

12 Plaintiff,

13 v.

14 JOHN DOES 1-5, JOHN DOES 1-5,
15 JANE DOES 1-4 XYZ COMPANY,
16 CARMEN RUIZ, JARRED SMITH,
17 JOHN SUTTON, STEVE SMITH,
18 "WASHINGTON," "SMOKE," "JULY,"
19 "MAGOO," "SNODING," "KOOL,"
JOHN DOE A, JOHN DOE B, JOHN
DOE C, JOHN DOE D, JOHN DOE E,
JOHN DOE F, JOHN DOE G, AND
JANE DOE A,

20 Defendants.

Case No. 2:15-cv-3762 GHK(Ex)

~~[PROPOSED]~~ PRELIMINARY
INJUNCTION AND SEIZURE
ORDER SHOULD NOT ISSUE

Hearing Date: June 15, 2016

Time: 8:30 a.m.

Courtroom: 650, Hon. George.
H. King

21 Plaintiff Live Nation Merchandise, Inc. ("Plaintiff") having moved for a
22 preliminary injunction enjoining and restraining the defendants CARMEN RUIZ,
23 JARRED SMITH, JOHN SUTTON, STEVE SMITH, "WASHINGTON," "SMOKE,"
24 "JULY," "MAGOO," "SNODING," "KOOL," JOHN DOE A, JOHN DOE B, JOHN
25 DOE C, JOHN DOE D, JOHN DOE E, JOHN DOE F, JOHN DOE G, AND JANE
26 DOE A, and those in active concert or participation from manufacturing, selling or
27 distributing merchandise bearing the federally registered trademarks, service marks,
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1 logos, likenesses or other indicia of the Group known as "U2" (collectively the
2 "Group's Trademarks") ordering the seizure and impounding of such articles; and
3 service having been effected upon certain defendants at the and/or near the Group's
4 concerts which have previously occurred; and Plaintiff's application having come on for
5 a hearing before the Honorable George H. King on the 15th day of June, 2015, at the
6 United States Courthouse in the Central District of California, and Plaintiff having
7 appeared by its attorneys, and there having been no other appearances;

8 Now, on presentation and consideration of Plaintiff's application for a
9 preliminary injunction and order of seizure, the declaration in support thereof and all
10 other pleadings and prior proceedings heretofore had herein in this matter, the Court
11 hereby finds:

12 1. By reason of the substantial and continuous use of the Group's Trademarks
13 in connection with the Group's work, said marks have acquired meanings identified
14 with the Group and with products and services associated with the Group;

15 2. The named defendants ~~and other defendants~~ and those in active concert or
16 participation with such defendants have infringed and/or will be infringing upon
17 Plaintiff's rights in the Group's Trademarks, as well committed acts of unfair
18 competition against Plaintiff herein by manufacturing, distributing, offering for sale and
19 selling merchandise bearing any or all of the Group's Trademarks at or near the sites of
20 the Group's concerts, without having obtained a license or any other authorization to do
21 so, as alleged in the complaint;

22 3. The acts of the named defendants ~~and other defendants~~ and those in active
23 concert or participation with them, constitute a violation of the United States
24 Trademark Act in that they: a) involve goods or services, b) are activities which affect
25 interstate commerce, and c) infringe the trademark and/or bear a false designation of the
26 source or origin of such goods or are likely to cause confusion, mistake or deception as
27 to the affiliation, connection, association, sponsorship or approval of Plaintiff, the
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1 Group with respect to such goods;

2 4. The named defendants ~~and other defendants~~ and those in active concert or
3 participation with them, will continue to sell such unauthorized merchandise unless
4 enjoined by the Court; and

5 5. Copies of this Court's Amended Temporary Restraining Order; Seizure
6 Order; and an Order to Show Cause Why a Preliminary Injunction and Seizure Order
7 Should Not Issue and the Complaint filed in support of Plaintiff's application in this
8 case have been served upon certain defendants and the unauthorized, "bootleg"
9 merchandise has been seized from the certain defendants;

10 **NOW, THEREFORE, IT IS HEREBY**

11 **ORDERED**, that the named defendants ~~and other defendants~~, their agents,
12 servants, employees, attorneys, successors, and assigns, and all persons, firms, and
13 corporations acting in active concert or participation with said defendants, ^{who receive actual notice} are enjoined ^{of this Order}
14 and restrained from: ^{by personal service or otherwise}

15 (A) Using any or all of the Group's Trademarks in connection with the sale,
16 offering for sale, distribution, and/or advertising of any clothing or other merchandise;

17 (B) Manufacturing, distributing, selling, and/or holding for sale any clothing or
18 other merchandise which carries or otherwise uses any or all of the Group's
19 Trademarks; or

20 (c) Aiding, abetting, inducing, or encouraging another to perform any of the
21 acts enjoined herein.

22 **IT IS FURTHER ORDERED**, that the U.S. Marshal for this district or for any
23 district in which Plaintiff seeks to enforce this Order in the United States, the state
24 police, local police, local deputy sheriffs, off-duty officers of the same and any person
25 acting under their supervision (collectively "Process Servers"), are hereby similarly
26 authorized to seize and impound any and all unauthorized merchandise bearing any or
27 all of the Group's Trademarks (i.e. the U2 marks) or any colorable imitations or
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1 variations thereof, or associated marks which named ~~and other~~ defendants or their
2 agents, employees or representatives attempt to sell or are holding for sale in the
3 vicinity of any of the Group's concerts from six (6) hours before to six (6) hours after
4 any performance of the Group within a two (2) mile vicinity of the halls, stadiums or
5 arenas at which the Group shall be performing or elsewhere where such merchandise is
6 being sold, held for sale or is otherwise found, including in any carton, bag, vehicle, or
7 container in which the merchandise is transported or stored. All clothing, jewelry,
8 photographs, posters and other merchandise bearing any or all of the Group's
9 Trademarks, or any colorable imitations or variations thereof, sold and held for sale in
10 the vicinity of the arenas or other venues at which the Group shall be performing, or
11 elsewhere where such merchandise is being sold, held for sale or otherwise found, shall
12 be deemed to be merchandise subject to the seizure provisions of this Order.

13 **IT IS FURTHER ORDERED**, that service of a copy of this Order, together
14 with the Summons and Complaint, be made upon defendants by the Process Servers at
15 the time the seizure provided herein is effected, and that such service shall be deemed
16 good and sufficient.

17 **IT IS FURTHER ORDERED**, that each and every defendant served with a
18 copy of this order promptly, courteously and peaceably identify himself or herself to the
19 aforementioned Process Server and that the Process Server or agents for Plaintiff be
20 allowed to photograph, videotape or otherwise identify the defendant.

21 **IT IS FURTHER ORDERED**, that the Process Server shall offer a receipt to
22 each person from whom goods are seized.

23 **IT IS FURTHER ORDERED**, that any Defendant who is hereafter served with
24 a copy of this Order who objects to the provisions herein may submit his or her
25 objections to this Court or otherwise move for relief from this Court within ten (10)
26 days of the date of seizure according to the Federal Rules of Civil Procedure, but no
27 such objection shall serve to suspend this Order or stay the terms hereof unless
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1 otherwise ordered by this Court.
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4 **IT IS FURTHER ORDERED**, that all unauthorized items heretofore or
5 hereafter seized in this action be delivered up to the Plaintiff or the persons designated
6 above, pending final disposition of this matter.

7 **IT IS FURTHER ORDERED**, that the bond heretofore deposited with the
8 Clerk of this Court to secure payment of costs incurred in enforcing the provisions of
9 the temporary restraining order and any damages sustained by any party who is found
10 to have been wrongfully enjoined thereby is continued until final disposition of this
11 matter.

12 **IT IS SO ORDERED.**

13 Dated: June 15 2015

14 At: 8:29 a.m.



THE HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE

15 Respectfully Submitted,
16 **LIVE NATION MERCHANDISE, INC.**

17 /s/Cara R. Burns

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